

1 **CONGRESSIONAL THREE MEMBER PLAN**

2 2001 SECOND SPECIAL SESSION

3 STATE OF UTAH

4 **Sponsor: Michael G. Waddoups**

5 **This act modifies statutory provisions governing United States Congressional districts. This**
6 **act eliminates current boundaries and establishes new boundaries. This act establishes**
7 **certain maps as the legal boundaries of Congressional districts and establishes procedures**
8 **for addressing omissions and uncertain boundaries. This act takes effect January 1, 2002**
9 **for purposes of nominating and electing representatives to the Congress of the United States**
10 **and January 1, 2003 for all other purposes.**

11 This act affects sections of Utah Code Annotated 1953 as follows:

12 ENACTS:

13 **20A-13-104**, Utah Code Annotated 1953

14 REPEALS AND REENACTS:

15 **20A-13-101**, as enacted by Chapter 1, Laws of Utah 1995

16 **20A-13-102**, as last amended by Chapter 79, Laws of Utah 1996

17 **20A-13-103**, as enacted by Chapter 1, Laws of Utah 1995

18 *Be it enacted by the Legislature of the state of Utah:*

19 Section 1. Section **20A-13-101** is repealed and reenacted to read:

20 **20A-13-101. Representatives to the United States Congress -- Three representative**
21 **districts -- When elected -- District boundaries.**

22 (1) (a) The state of Utah is divided into three districts for the election of representatives
23 to the Congress of the United States, with one member to be elected from each Congressional
24 district.

25 (b) At the general election to be held in 2002, and biennially thereafter, one representative
26 from each Congressional district shall be elected to serve in the Congress of the United States.

27 (2) (a) The Legislature adopts the official census population figures and maps of the



Bureau of the Census of the United States Department of Commerce developed in connection with the taking of the 2000 national decennial census as the official data for establishing Congressional district boundaries.

(b) The numbers and boundaries of the Congressional districts are designated and established by the maps attached to the bill that enacts this section.

Section 2. Section **20A-13-102** is repealed and reenacted to read:

20A-13-102. Official maps of Congressional districts.

(1) (a) The Legislature shall file copies of the official maps enacted by the Legislature with the lieutenant governor's office.

(b) The legal boundaries of Utah's Congressional districts are contained in the official maps on file with the lieutenant governor's office.

(2) When questions of interpretation of Congressional district boundaries arise, the official maps on file in the lieutenant governor's office shall serve as the indication of the legislative intent in drawing the Congressional district boundaries.

(3) (a) Each county clerk shall obtain copies of the official maps for the clerk's county from the lieutenant governor's office.

(b) Each county clerk shall establish voting precincts and polling places within each Congressional district according to the procedures and requirements of Section 20A-5-303.

(4) Maps identifying the boundaries for Congressional districts may be viewed on the Internet at the lieutenant governor's website.

Section 3. Section **20A-13-103** is repealed and reenacted to read:

20A-13-103. Omissions from maps -- How resolved.

(1) If any area of the state is omitted from a Congressional district in the maps enacted by the Legislature, the county clerk of the affected county, upon discovery of the omission, shall attach the area to the appropriate Congressional district according to the requirements of Subsections (2) and (3).

(2) If the area is surrounded by a Congressional district, the area shall be attached to that district.

(3) If the area is contiguous to two districts, the area shall be attached to the district that has the least population.

(4) Any attachment made under Subsection (1) shall be certified in writing and filed with

59 the lieutenant governor.

60 Section 4. Section **20A-13-104** is enacted to read:

61 **20A-13-104. Uncertain boundaries -- How resolved.**

62 (1) As used in this section, "affected party" means:

63 (a) a representative whose Congressional district boundary is uncertain because the
64 identifying feature used to establish the district boundary has been removed, modified, or is unable
65 to be identified or who is uncertain about whether or not he or another person resides in a
66 particular Congressional district;

67 (b) a candidate for Congressional representative whose Congressional district boundary
68 is uncertain because the identifying feature used to establish the district boundary has been
69 removed, modified, or is unable to be identified or who is uncertain about whether or not he or
70 another person resides in a particular Congressional district; or

71 (c) a person who is uncertain about which Congressional district contains the person's
72 residence because the identifying feature used to establish the district boundary has been removed,
73 modified, or is unable to be identified.

74 (2) (a) An affected party may file a written request petitioning the lieutenant governor to
75 determine:

76 (i) the precise location of the Congressional district boundary;

77 (ii) the number of the Congressional district in which a person resides; or

78 (iii) both Subsections (2)(a)(i) and (ii).

79 (b) In order to make the determination required by Subsection (2)(a), the lieutenant
80 governor shall review the official maps and obtain and review other relevant data such as aerial
81 photographs, aerial maps, or other data about the area.

82 (c) Within five days of receipt of the request, the lieutenant governor shall review the
83 maps, obtain and review any relevant data, and make a determination.

84 (d) If the lieutenant governor determines the precise location of the Congressional district
85 boundary, the lieutenant governor shall:

86 (i) prepare a certification identifying the appropriate boundary and attaching a map, if
87 necessary; and

88 (ii) send a copy of the certification to the affected party and the county clerk of the affected
89 county.

90 (e) If the lieutenant governor determines the number of the Congressional district in which
91 a particular person resides, the lieutenant governor shall send a letter identifying that district by
92 number to:

93 (i) the person;

94 (ii) the affected party who filed the petition, if different than the person whose
95 Congressional district number was identified; and

96 (iii) the county clerk of the affected county.

97 Section 5. **Effective date.**

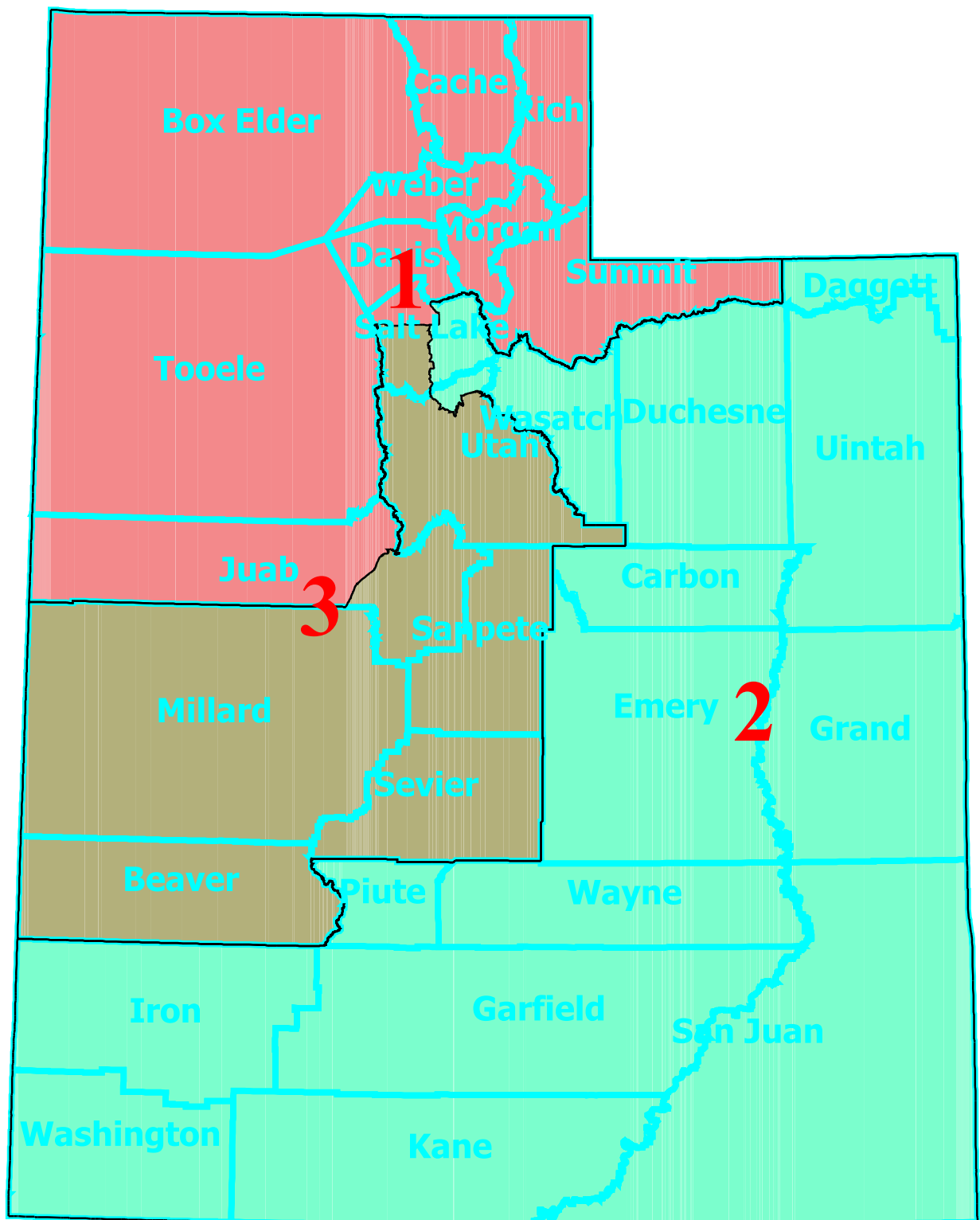
98 This act takes effect on January 1, 2002 for purposes of nominating and electing
99 representatives to the Congress of the United States and on January 1, 2003 for all other purposes.

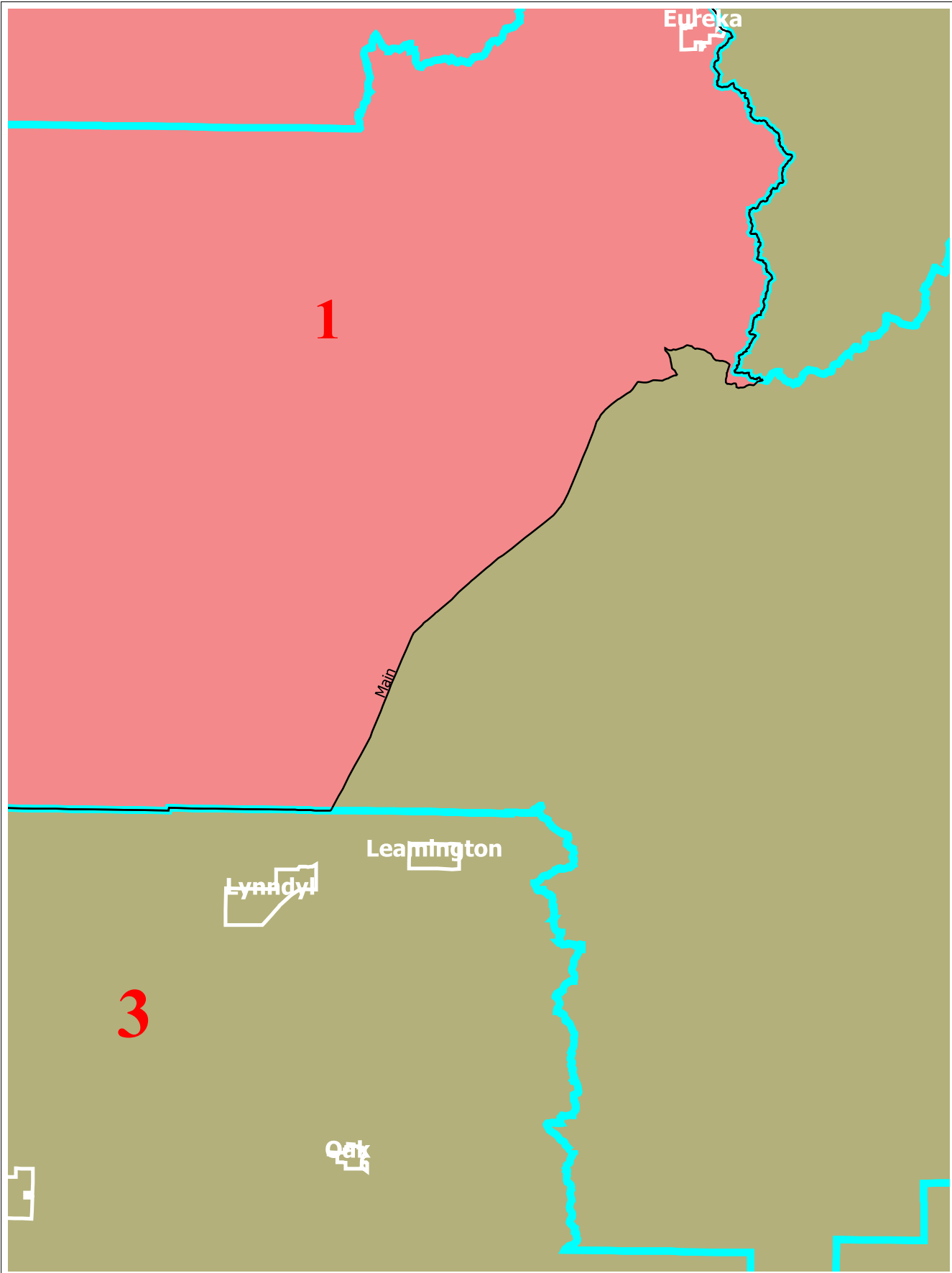
Legislative Review Note

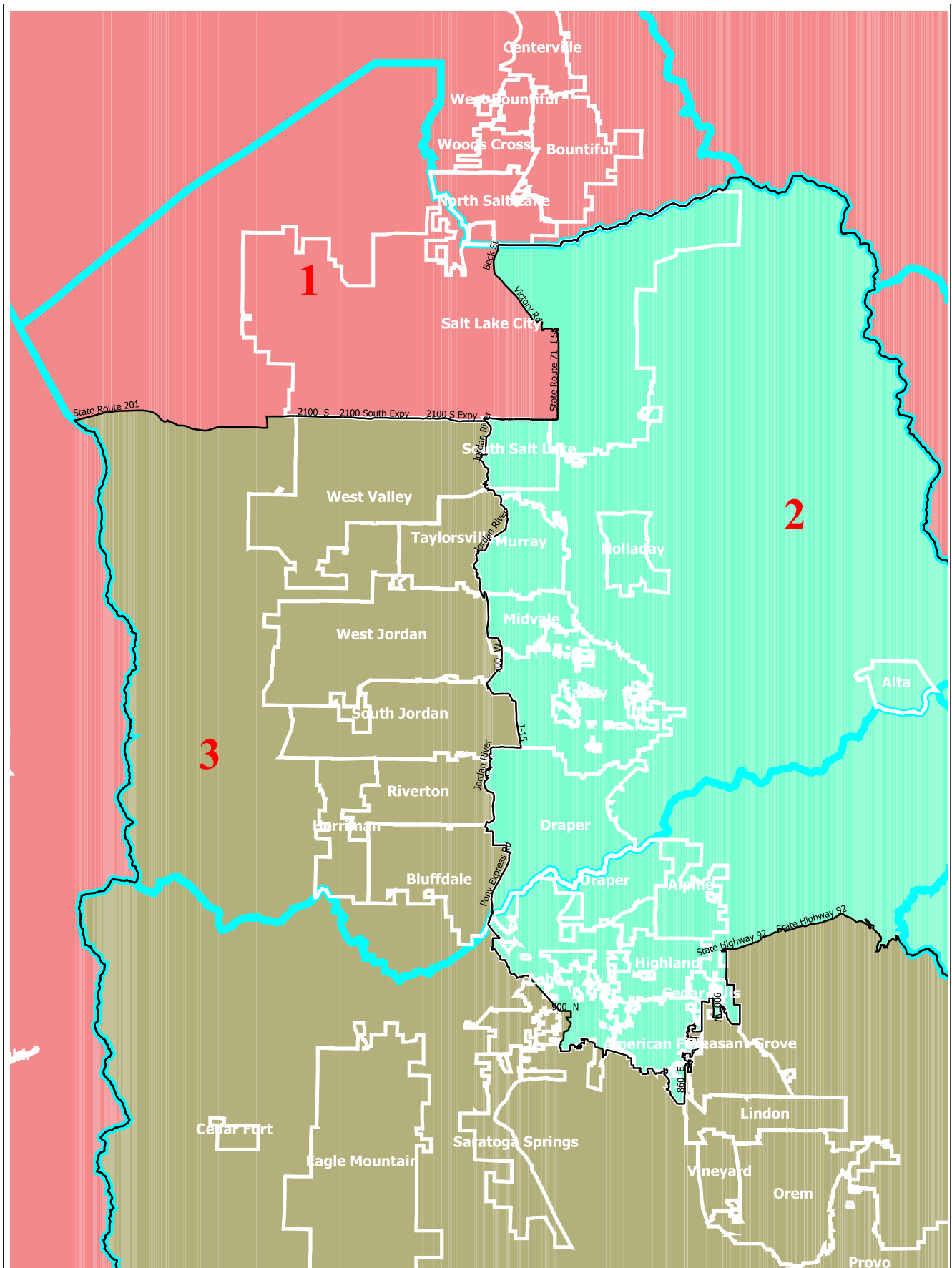
as of 9-24-01 12:50 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel







U.S. Congressional Districts - Three Member
Salt Lake County